

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE DIVISION
CASE NO. 00-6025-CIV-MIDDLEBROOKS
MAGISTRATE JUDGE: BANDSTRA
CLARENCE HADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA - MIA

36 D.C.
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ADVOCATES FOR THE DISABLED,
INC., a Florida not-for-profit corporation,
PETER SPALLUTO, Individually, and
ERNST ROSENKRANTZ, Individually,

Plaintiffs,

vs.

SEA CASTLE RESORT MOTEL PARTNERSHIP,
a Michigan General Partnership, and
MICHELE BROWNELL, General Manager of
Sea Castle Resort Inn,

Defendants.

MOTION TO AMEND FIRST AMENDED COMPLAINT
AND MEMORANDUM IN SUPPORT THEREOF

COME NOW the Plaintiffs, by and through their undersigned attorneys, and move this Court pursuant to Federal Rules of Civil Procedure, Rule 15 for leave to file a Second Amended Complaint and as grounds therefor state as follows:

1. The Plaintiffs, by and through their undersigned attorneys, on April 18, 2000, with leave of court, filed an Amended Complaint, to add as a party, Defendant, Michelle Brownell, as the operator of the subject hotel.
2. Subsequent to the filing of the First Amended Complaint, attorneys for the Defendant,

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Sea Castle Partnership notified the undersigned Law Firm that the property has been sold to Lancaster Sea Castle Resort, Ltd., a Florida Limited Partnership.

3. Attached hereto is the proposed Second Amended Complaint. Set forth in the proposed Second Amended Complaint is the basis for each of the Defendant's obligation under the Americans with Disabilities Act of 1990. The proposed Complaint includes as Defendants the Defendant's set forth in the Second Amended Complaint, as well as the new owner of the hotel in question, Lancaster Sea Castle Resort, Ltd., A Florida LIMITED PARTNERSHIP,

MEMORANDUM

Rule 15 of the Federal Rules of Civil Procedure allow amendments to pleadings with leave of court, which should be freely granted when justice so requires.

In order to fully adjudicate this matter, the Court should, in the interest of justice permit the Plaintiffs to amend its pleading, and add as a party, Defendant, the new owner of the hotel, as set forth above.

WHEREFORE, it is respectfully requested that the court grant the Plaintiffs' leave to file the Second Amended Complaint, that is attached hereto as Exhibit A.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that this Motion for Leave to File a Second Amended Complaint was sent by US Mail this 5 day of July, 2000, to: Amy J. Galloway, Esq., Duke, Mullin & Galloway, P.A., attorneys for Defendant, Michelle Brownell, 1700 East Las Olas Boulevard, PH-1,

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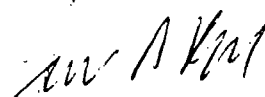
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Fort Lauderdale, Florida, and Jeffrey B. Smith, Kelly, Herman & Smith, attorneys for Sea Castle, 1401 East Broward Blvd. #206, Ft. Lauderdale, Florida 33301.

Respectfully Submitted,

FULLER & MALLAH AND ASSOCIATES, P.A.
Attorney for Plaintiffs
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(305) 538-6483 - Dade
(954) 463-6570 - Broward
(305) 534-9894 - Fax

By



Lawrence A. Fuller, Esquire
Florida Bar #0180470

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